

## THE HAWAIIAN GAZETTE

RODERICK O. MATHESON, EDITOR

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THE ADVERTISER'S SEMI-WEEKLY

## War and Christianity

IN the event of war, what is the duty of a Christian? According to Doctor Dole and some others, a real Christian must continue to turn the other cheek, irrespective of the provocation.

Dr. Lyman Abbott, the veteran editor of The Outlook, believes otherwise. In his opinion, the thousands of Americans serving in the ranks of the Canadian, British and French armies are performing better their duty as Christians than are the peace-at-any-price advocates at home. In a recent issue of The Outlook, three questions are answered by the editor, bearing upon the duty of Christians today. The questions are:

1. As Christians we are chiefly interested in spreading the kingdom of God on this earth. Can this object be helped by fighting and killing, or does such action hinder its attainment?
2. Does Christ in any way justify our killing our fellow-men for any cause?
3. What is the duty of a Christian in the event of war at this time?

Answering these categorically, Doctor Abbott says:

1. The kingdom of God on the earth was unquestionably advanced by the war of the Netherlands for religious liberty, by the war of the English Puritans for civil liberty, by the war of the American colonists for independence. We have no doubt that it will be advanced by the deliverance of Europe from German militarism.

2. Jesus Christ says nothing about killing men. He counseled His disciples not to resist injuries threatened to themselves; but He did not counsel them not to defend others. When He was falsely accused, He made no answer. But when His disciples were falsely accused, He defended them. When He was maltreated, He did not defend Himself. But when the people were shut out from the outer court of the Temple by a corrupt ring, He drove the ring from the Temple with violence. When the Temple police came to arrest Him in the garden, He confronted them with such majesty that they were thrown violently to the ground. Then, when His disciples had escaped, He delivered Himself up unresisting to His death. Self-defense may be the first law of nature, but defense of others is the first law of love.

3. The duty of the individual Christian depends upon a variety of circumstances. But the Christian spirit is well illustrated by the thousands of Americans who have crossed the border and enlisted in Canada to set Europe free. Some of them may be animated by pure love of adventure, some by mere love of combat; but it is safe to assume that the great majority are inspired by a chivalric desire to have some part in doing to its death the militarism which has invaded an unoffending country, massacred its non-combatants, raped its women, and sold its citizens into slavery. The duty of every Christian man is to sympathize with the spirit of these American volunteers and do what he can to achieve their purpose. And the Christian Church has no higher duty at the present time than to instruct congregations in these fundamental principles and imbue them with this Christian spirit.

## Deforming Compromises

ONLY a little of what little was good in the proposed charter for Honolulu has been left in the Municipal Charter Bill as a result of the various "compromises," under which polite name concessions to ignorance and politics are now being made. If the reports coming out of the committee be correct, the vital principle of the convention charter is being gradually strangled with each alteration and the prospect remains of an emasculated charter which will be neither fish, flesh nor fowl nor good red herring.

There was much that was bad about the original charter as drawn up in the convention, but all the bad could have been accepted because in that draft was embodied the principle of the fixing of responsibility. The charter provided for the election of the various executive officials for the various important positions, each such official to be supreme in his own department, being personally responsible for the execution of the duties of that position.

This was the life of the charter, the active principle, the essential that differentiated it from the present conglomerate under which the municipality attempts to be governed. That was the one thing that made the charter at all acceptable, that marked it as an advance over present conditions.

Now, if what is reported as having been agreed upon as a "compromise" is what has actually happened, this principle has been extracted, leaving the charter a thing of sawdust, with no practical excuse for enactment. It perpetuates the system of diffused authority and leaves the responsibility for performances or failures to perform just where it is now, and that is nowhere.

The removal of the sheriff from the head of the police department, as provided in the amended bill, is a change for the better, but the reversion to the old ward system for the election of the supervisors is a change for the worse. If we are to go back, why not return to the original method of selecting the supervisors and let Koolau, Ewa and Wai-alea select the representatives they each want on the board? If the old system of having district opposed to district, with the general good of all the city and county disregarded, why not go to the logical extreme? Why simply pit the fourth against the fifth?

The blindness of the "reformers" in failing to recognize those features of the originally drafted charter that marked a substantial advance and their folly in trading against the whole proposal

has thrown the construction of the charter now into the hands of the time servers, the job chasers and the salary grabbers. The result promises to be that Honolulu will revert to the days of Joe Fern, Johnny Wilson et al, and the scheming hand of Link McCandless will direct the affairs of the municipality with no idea whatever behind the moves than shabby politics.

## Mullet Protection

THERE is now on the Hawaiian statute books a law providing for a closed season on mullet during the time of year when the fish are spawning.

This law, by its own terms expires this year. Representative Wilder introduced a bill into the house extending the time during which the law should be effective and last week the bill passed the second reading by a substantial majority.

Yesterday, the bill was defeated on a third reading by an equally substantial majority. The reasoning against the bill was based upon pure ignorance; the sole argument advanced being that it prohibited "the poor native" from catching mullet when he wanted to.

Under these circumstances what is the community going to do about it?

Shall we simply say there is no use trying to save such an ignorant community from the consequences of its own folly?

If not, what shall we do?

Yesterday's vote is largely the fault of those who know that the interest of "the poor native" is greater in securing the protection of mullet and other fish than is that of any other class in the community.

They knew that this misapprehension existed and yet no steps have been taken during the past two years to remove it.

If the electorate comprehended that, without protection, there would soon be no mullet left at all, or that it would bring such prices that the "poor native" could not buy it; and that the protection measure would make the fish more plentiful at a lower price than ever before, the present opposition to the bill would not exist.

It is exasperating to have to spend time meeting short sighted and foolish argument; but we must face conditions as they are and not as we would like to have them.

The thing to do is to immediately—not next year or next month, but now—begin an educative campaign throughout the Territory by which to bring home to the electorate the facts concerning fish protection and fish propagation, with a view to educating public sentiment upon this subject.

This must be done through some organized channel. It is suggested that the best means of accomplishing this object is to have a law passed creating an unpaid fish commission, the members to be those who are specially interested in the subject.

When appointed, let this commission proceed by circulating well-prepared literature and by having lectures delivered accompanied by stereopticon slides and moving picture films of the work of the various state and federal fish commissions and stations on the mainland.

The Advertiser verily believes that if this course be intelligently and adequately pursued, such a public sentiment can be created among the very persons who are now opposing fish protection, and that they will be the strongest supporters of a policy of protection and extension of the fish supply of the Territory.

Is it now worth while trying?

This legislature seems to have the curse of compromise to a greater degree than the ordinary. Take the Abatement Bill, for instance, and the suggestion that action under it against the maintenance of houses of assignation or prostitution be limited through a necessity of obtaining the consent of a majority of the residents within a thousand-yard radius! Could men of ordinary sense conceive of anything more ridiculous! It is illegal now and always will be illegal to maintain a bawdy house and the object of the Abatement Bill is only to make more difficult and dangerous the violation of present law. Why, then, the thousand-yard deadline? Why hobble decency? Why continually, continuously and constantly compromise with evil and truckle to the ignorance of the community rather than stand by the intelligence? To limit action under the Abatement Act more than it already is limited in the original draft is to recognize the right of prostitution to exist. This, we feel certain, the majority of the members of the senate do not wish to do.

A sidelight on the war is afforded in a recent letter from Damascus, which condenses unimaginable horrors in these few words: "Fifty wagons are now required to carry the dead from the streets, but the number is much more than they can handle and thus many are left, helping to spread disease. A new horror has been added to an already overflowing cup of woe—hydrophobia—as many as ten dying daily from this one cause, and sometimes more, in Damascus alone. Suicide is on the increase, resulting from despair and inability to obtain a crust of bread to satisfy hunger."

A man who gives up a position of ten thousand a year to become a public official, apparently is not entitled to \$500 a month for his time, while an election day runner, who couldn't legitimately earn fifteen dollars a week, is paid from \$7.50 to \$10.00 a day to be "clerk" to some legislative committee. It's a funny world.

## BREVITIES

(From Wednesday Advertiser.)  
Mayor Lane has appointed David Kumukau keeper of Aala Park in place of Levi Kana'i, resigned.

Monday a son was born to Mr. and Mrs. Thomas J. Lincoln, of 1615 Fort Street. This is their second child.

For the third time the Modern Order of Phoenix is to give an annual banquet, St. Patrick's Day being chosen for the spread and other entertainment. On Saturday, March 17, at a quarter past seven o'clock, members, accompanied by their friends, will gather at Phoenix Hall. Music will be supplied by the Kawaiahoi Glee Club.

Among those who have given dinner parties at the Hotel Pleasanton recently are: Mr. and Mrs. F. A. Nisby for Mr. and Mrs. Sherwood Lowrey; Mr. and Mrs. F. McQuesten for Captain and Mrs. Callender, Captain and Mrs. Dummer and Miss Currethers; H. W. Laws for E. Menno, Misses Kane and Wilson; Mr. and Mrs. George W. Garrard for Colonel and Mrs. Croxton, Miss Litson, Major and Mrs. Reynolds, Lt. Windsor and Miss Garrard.

(From Thursday Advertiser.)  
The schooner Bertie Minor is scheduled to leave Hilo for the Coast today.

Mrs. K. Muri, wife of the new local Japanese consul will be elected president of the Japanese Women's Association of Honolulu within a few weeks succeeding Mrs. K. Fujii, whose husband is transferred to the consulate at San Francisco.

A farewell and welcome dinner for Messrs K. Fujii and K. Muri, leaving and new local Japanese consuls, was held yesterday evening at eight o'clock in the Mochizuki club. The dinner was given under the auspices of the Japanese chamber of commerce of this city.

ABATEMENT BILL  
LOSES ITS TEETH

Oahu Select Committee Changes  
Measure Now Pending in  
Upper House

Proposed legislation for the abatement of prostitution by injunction has suffered severely. Referred to the select committee of Oahu members of the senate, with Senator Shingle as chairman, the bill, which originally gave any citizen the right to sue out injunction against a bawdy house or place where prostitution was being carried on, has been amended by the senate's adoption of the committee's report yesterday, so that "any citizen" is not entitled to apply for injunction unless he is a property owner, and even then he must own property within one thousand feet of the building where prostitution is alleged to be conducted.

In other words, if a number of bawdy houses or buildings, or a restricted, or red-light district, is established a thousand feet or more away from possibly objecting property owners, there will be little or no chance of suits for injunction against the business carried on. Senator Shingle, in moving for the adoption of the committee report, stated that instead of the word "citizen" as applied to one able to ask for injunction proceedings against an alleged bawdy house, the words "property owner" had been inserted and that the word "place" had been eliminated, to meet the objection raised by Jack Ed-wardson, who claimed that "place" would be interpreted to include a street or park or other public area. He announced that the report was unanimous and that the committee was of the opinion that it would meet the situation.

As once Senator Makekau moved to delete the word or words which included other islands.

"We don't want this on Hawaii Island," he said. Senator Makekau seconded the motion, but, after considerable maneuvering against Makekau's motion, the report of the select committee of Oahu was adopted by a vote of thirteen to two, being Makekau and Mikale, and the bill, as amended, passed second reading.

T. A. COOKE PLANS NEW  
HOME IN NUUANU

Theodore A. Cooke will build a new home on Nuuanu Avenue just beyond the new entrance to the Country Club. The plans have been finished by E. A. P. Newcomb and are now in the hands of the contractor, The Spalding Construction Company. Work on the new residence will commence in the near future.

The house will be built after the Italian villa style. It will be a two-story structure, containing sixteen rooms. Downstairs there will be a large entrance hall, dining room, living room, billiard room, portico and breakfast room. The kitchen will have all the latest modern conveniences. The upstairs will have six bedrooms with a bath and dressing room for each one.

The exterior of the house will be made of stucco with a shingle roof. A carriage porch, portico and loggia, are features that will give the residence a distinguished appearance. When completed the new Cooke home will be one of the finest residences in the Islands.

## BEST MEDICINE MADE.

A better medicine can not be made than Chamberlain's Cough Remedy. It relieves the lungs, opens the secretions, aids expectoration and assists nature in restoring the system to a healthy condition. Besides, it contains no opiates and is perfectly safe to take. For sale by all dealers, Benson Smith & Co., agents for Hawaii.

## PERSONALS

(From Wednesday Advertiser.)  
Mrs. T. B. Sinclair of Oakland was a recent arrival on the Matsonia. She has closed her Oakland home for several months and will visit her daughter, Mrs. Bert Gibb.

William T. Carden, deputy city attorney, and Mrs. Carden, of 1520 Fort Street, welcomed at their home on Monday the arrival of a daughter, who has been named Florence.

John H. Harrison, editor of the Commercial News, Danville, Illinois, is now visiting Honolulu. Harrison was a strong supporter of "Uncle" Joe Cannon in the last presidential election.

M. M. Whan, manager of Jordan's, returned on the Great Northern from a three months' buying trip on the mainland. Mrs. Whan accompanied him on his tour, which included visits to principal cities in the east.

(From Thursday Advertiser.)  
John A. Scott, manager of the Hilo Sugar Company, of Wainaku, Hawaii, is a visitor in the city.

Among Big Islanders visiting in Honolulu at present is Don S. Bowman, chief sanitary officer of the Island of Hawaii.

Mrs. G. F. Alfonso of 903 Seventh Avenue, Kaimuki, who was operated at the Beretania Sanatorium on Tuesday, is doing nicely.

O. T. Shipman, tax assessor of the Big Island, who has been in Honolulu the past few weeks, will return in the Wilhelmus tonight to his Hilo home.

Arthur Poy and Miss Florence Abbie were married yesterday by Rev. S. K. Kamao, assistant pastor of Kaimuki Church. The witnesses were Leo Harrington and John Wesolowski.

The newly wedded couple expect to leave in the Wilhelmus next Wednesday on a honeymoon trip to the mainland.

MONTANA BINGHAM  
REPORT IS GIVEN

Jorgensen Describes Progress of  
Development Work At  
Company's Mine

J. Jorgensen, a director of the Montana Bingham Consolidated Mining Company of Bingham, Utah, has just returned to the Islands after a three months' stay at the mine, superintending the new improvements being started there. He reports the following concerning this property:

The company's mine is located at Bingham, Utah, north of the Utah Copper Company's great mine and consists of one hundred and seventy acres of patented land, including the old Tiawakee Mine and the Valentine patent. On the Tiawakee, which in earlier days has produced about three million dollars of rich shipping ore above water level, a shaft is being sunk and is now down two hundred and ten feet, from which level a drift is being run to get under the rich ore body located above. Shipments from this ore are expected to begin soon.

Assays from this ore body average about forty dollars per ton with the probability of becoming richer in depth; the values being gold, silver, copper and lead. A hoist run by compressed air is being operated here.

Valentine Patent Worked

On the Valentine patent, comprising forty acres and situated under the town of Bingham, a shaft is being sunk to get under located ore bodies of about the same richness as the Tiawakee ore and is at present down about one hundred and sixty feet from the surface. Several shipments of ore were made from here a few months ago giving good results, and shipments will be resumed when the shaft reaches a depth of about two hundred feet.

A new electric hoist has been installed and compressed air for the drills is supplied from a large compressor situated at the mouth of the Montana Bingham drainage and transportation tunnel. This compressor also supplies all necessary air for the Tiawakee shaft and the transportation tunnel itself.

## The Original Location

On the original Montana Bingham ground a drainage and transportation tunnel, commenced several years ago, is now in 1775 feet. Contracts for hauling ore from several of the mines reached by this tunnel have been made and in a comparatively short time, when the necessary development work now in progress is completed, the revenue from this source will pay a handsome profit. A large flow of water is developed in this tunnel and a portion of said water is being sold to the Denver & Rio Grande Railroad whose track passes the mouth of the tunnel.

The tunnel itself cuts through an immense body of low grade copper ore on Montana Bingham proper. This ore, of about the same richness and character as the adjoining Utah Copper Company's will require mill treatment and the company by recent increase in capitalization of its treasury stock will soon be in a position to erect such a plant. The company, situated as it is with two railroads, namely the Denver & Rio Grande and the Bingham Garfield crossing its holdings and only distant a few miles from several great smelters, and also obtaining its electric power very cheaply from the Utah Power & Light Company, should in a short time prove to be one of the great metal producers of the State of Utah.

The following sugar is awaiting shipment on Hawaii, according to the report of Purser Mitchell of the Mauna Kea yesterday: Olan, 29,749; Waiakae, 16,000; Hawaii Mill, 32,000; Hilo Sugar Company, 12,000; Onomea, 14,846; Honouliuli, 10,000; Hawaii, 23,933; Laupahoehoe, 19,461; Kaimuki, 15,945; Kakaia, 11,564; Hamakua, 17,622; Paauhau, 13,000; Honolulu, 12,000; Punaluu, 2885; Honoupo, 5700.

BEAUTIFUL CHURCH  
PLANNED FOR HILO  
Structure To Be Built For Use of  
the Roman Catholic  
Mission

What bids fair to be one of the handsomest church edifices in the Territory, is the new Saint Joseph's church being constructed for the Roman Catholic Mission at Hilo. The foundation of the church is now nearing completion.

It is designed in the style of the old Arizona missions, with a concentration of the ornaments, parts at the portal and large windows. This is the lowest entrance, the dome and the upper portion of the tower. The rest of the building depends upon the proportion and placement of the windows for its artistic effect.

The church will seat about eight hundred people. In addition to this there will be a Sunday school room with a seating capacity of two hundred. The Sunday school room will be arranged with wide arch doors, so that it may be connected with the main church on special occasions.

The building will be constructed of reinforced concrete, the nave to be separated from the transepts by a colonnade of concrete arches, which will support the cloister beneath the roof of the nave. The roof trusses will be visible from the body of the edifice, with the ceiling built of wood. The church will be brilliantly lighted with an indirect system.

E. A. P. Newcomb is the architect and Charles H. Will, of Hilo, the superintendent of construction.

AINAHU IMPROVEMENTS  
ARE TO BEGIN AT ONCE

J. W. Pratt announced yesterday that bids will be called for at once for the construction of streets in Aina-hau Park, Waikiki. The plans and specifications were approved by the county officials Tuesday night at a meeting of the board of supervisors. The plans call for the construction of concrete roads, sidewalks, cut lava curbing and water and gas pipes throughout the tract. It is expected that work will start within a couple of weeks.

Pratt says, eleven lots have been sold in the Aina-hau Tract. Three options are held on others. There are still twenty-nine lots unsold.

Owing to the nearness of the park to the beach, and the fact that there is no other property available so close for home purposes, Pratt stated that the remainder of the lots will be sold rapidly. The improvements, he said, will be up to date in every way and it is expected many attractive homes will be erected. Every lot in the park offers a desirable location for a home.

CHILCOTT RECALLS  
FAMOUS OLD BOATS

The feat of the Associated Oil tank ship Marion Chilcott the first week of this month in sailing from Honolulu to San Francisco in two days and four hours, the feat of the Coast waterfront reporters who made it the occasion of going over the list of the famous old vessels of the days when sailing craft were in their prime. The Daily Commercial News remarked:

"The American ship, 'Marion Chilcott,' opened her sails between this port and the Hawaiian Islands by the Associated Oil Co., arrived from Honolulu yesterday in the exceptionally fast time of 12 days. While this is not exactly a record passage for this voyage, it is, nevertheless, fast enough to recall the 'good old days' of the American sailing craft, the days when we had such fleets on this run as the 'W. G. Irwin,' 'John D. Spreckels,' 'Consuelo,' 'Irmgard,' 'Andrew Welch,' 'Mohican,' 'Kailua,' 'S. C. Allen,' 'Alden Besse,' 'Amy Turner,' 'Santiago' (the latter now an oil barge), 'S. C. Allen,' 'S. N. Castle,' 'John G. North,' 'Annie Johnson,' 'Transit,' 'Emma Claudina,' 'Roderick Dhu,' etc., all of them fast sailers. Several of them that have on more than one occasion equalled or beaten this record, though probably the most consistently fast sailer of the whole lot was the famous old brig, 'W. G. Irwin,' and when you take into consideration that the major portion of the world's tramp steamers now take nine days or more to make the trip, it does not look, after all, as if the day of the sailing ship is passed, never to return."

Of the ships which the News mentions, several have been wrecked on the Honolulu reef, and one, the Alden Besse, met her end at the hands of moving picture producers. The Mohican is now used as a sugar barge in Hilo and Honolulu harbor.

## HOTEL ARRIVALS

Among the new arrivals at the Pleasanton Hotel are: Mr. and Mrs. William O. Leutz, Philadelphia; Mr. and Mrs. M. W. Bekins, Los Angeles; Mrs. M. J. Meredith, Miss Isabel Meredith, Des Moines; Mr. and Mrs. Max Toits, St. Paul; Miss Maude Stavey, Miss C. Fennenden, New Rochelle, N. Y.; Mrs. Geo. G. Carroll, Miss F. S. Carroll, Rochester, N. Y.; Mr. and Mrs. E. C. Richardson, Boston, Mr. and Mrs. A. C. Hardy, Canada, Mr. and Mrs. B. S. Nickels, Chicago, Mr. Alfred D. Brown, Detroit; Miss Katharine E. Gallagher, New York; Miss Josephine Staunton, San Francisco; Mr. and Mrs. H. E. Hedges and Miss Marie Hedges, Cleveland, Mr. and Mrs. H. Randall, C. P. Randall, Mrs. L. E. Davis, Miss Donna Davis and R. Davis, all of Minneapolis.

FINANCIAL PROGRAM  
OF UPPER HOUSE IS  
AT LAST COMPLETE

Third and Last Appropriation  
Measure Is Introduced  
By Senator Shingle

"This completes the financial program," said Senator Shingle, chairman of the senate ways and means committee, in yesterday's session, as he introduced the third government appropriation measure.

"We now have," he continued, "the General Appropriation Bill for the coming biennial period, and the Loan Fund Act, and this bill which closes up the old loan fund account."

Shingle's procedure picks up loose ends in the matter of separate loan fund items, transferring them under one head. The ways and means committee is working on the first two bills and now has the entire proposed appropriation schedule in its hands.

Senator Shingle stated that the last measure was a government recommendation, having just been handed to him by the territorial treasurer, and added that it included additions amounting to \$60,000. Of this \$60,000 is for the territorial prison now in process of construction, and \$16,000 for harbor work, other items being recapitulations of old appropriations under the Loan Fund Act.

County and city and county improvements provided for in the bill carry this stipulation:

"Upon completion of the projects set forth, if there be any balance in any of the appropriations, the auditor of the Territory shall pay the same over to the treasurer of the county or city and county to whom the appropriation is herein charged."

The old loan fund account, started in 1911, and amended from session to session, in the new bill increases the Honolulu prison item from \$150,000 (as of 1915) to \$200,000, and increases the item for wharf and harbor improvements, Honolulu, including purchase of marine railway land, from \$909,000 to \$925,000, making this \$16,000 difference to which Senator Shingle drew attention. The bill totals \$4,547,438.75—already expended for work completed or nearing completion, including Honolulu water and sewer works, \$619,105; wharf and harbor improvements, \$1,364,526; new buildings, additions, equipment and other improvements, \$740,270; belt roads and bridges, \$1,197,000; county and city and county improvements, \$205,844; school buildings and equipment, \$273,243; county buildings, \$87,448.

Increasing School Budget  
Senator Desha, chairman of the education committee, reported on the school budget, asking that his committee's report, together with the departmental communication, transmitted to the senate by the Governor, be taken up by the ways and means committee of the senate for consideration of the proposed appropriations.

Since the introduction of the budget the department of public instruction has found that more money is needed, increasing the special fund from \$762,500 to \$771,300. The general fund amounts to \$226,540.

The special fund increase comes to \$8,800. A room and cottage are wanted at Pukapu, \$2,200; \$2,500 is needed for lands belonging to Mrs. N. Scott, in Kona, and \$4,000 is required for buildings at Kealahou, Waikou and Kulu, Maui. The education committee report points out that school appropriations asked for are \$456,930 more than the budget for the biennial period ending with this year.

THIRTEEN MILLION  
MORE FOR GUARD

According to advices received in Honolulu from Washington, the army appropriation bill which passed the house recently, and which probably will come before the senate at the special session next month, carries an added thirteen million dollars for the support of the National Guard of the United States, over the appropriation of last year.

Of the above amount the bill provides an increase of \$3,000,000 for arms and uniforms, \$76,000 for instruction in military aviation for national guard officers, \$2,500,000 is set aside for the purchase of machine guns for the guard and \$5,000,000 has been allowed for airplanes and the general development of aviation. The bill also provides that \$1,740,000 be made immediately available for engineering equipment for the troops.

The war department is furthering plans in every direction to make the national guard a citizen soldiery, fully equipped to take the field of action on the shortest notice. It is expected that now, since the government is helping the national guard, every able bodied American will join and give as much of his time as possible to assist in the work of national defense.

An interesting feature of the bill provides that officers below the grade of brigadier general may be retired with advancement of one grade. This provision contained in the bill reads: "That any officer on active list of the army, below the grade of brigadier general, who has served for over forty-two years on active list may, in the discretion of the President, by and with the consent of the senate, be placed on the retired list of the army with rank and pay of one grade above that actually held by him at the time of retirement."